

## Message Text

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ACTION EB-07

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E.O. 11652 N/A  
TAGS: EAIR JA  
SUBJ: CIIVAIR; GROUP PASSENGER STOP OVER RIGHTS

SUMMARY. JCAB HAS INFORMALLY ADVISED NORTHWEST AIRLINES (NWA) THAT IT CANNOT BOARD JAPANESE TOUR GROUPS DESTINED FOR MANILA IF ITINERARY INCLUDES STOPOVER AT NAHA TO VISIT EXPO 75. JCAB CONSIDERS THAT CARRIAGE OF SUCH GROUPS CONSTITUTES CABOTAGE. NWA QUESTIONS THIS INTERPRETATION OF CABOTAGE AND SEEKS CLARIFICATION OF STOPOVER RIGHTS UNDER U.S./ JJAPAN AIR TRANSPORT AGREEMENT. ACTION REQUESTED: WOULD APPRECIATE DEPARTMENT'S COMMENTS RE APPLICABILITY OF BILATERAL AND/OR OTHER AGREEMENTS IN THIS ISSUE. END SUMMARY.

1. ISSUE OF GROUP TOUR STOPOVERS AT NAHA AROSE WHEN JCAB, IN ISSUING OPERATING PERMIT FOR NWA'S APRIL 27 SCHEDULE, CAUTIONED CARRIER NOT TO SOLICIT ACTIVELY EXPO 75 TRAFFIC ON ITS TOKYO-MANILA SERVICE. IN COMPLIANCE WITH THIS REQUEST, NWA PROMPTLY INFORMED JAPAN ASSOCIATION OF TRAVEL AGENTS OF JCAB POSITION, BUT SHORTLY THEREAFTER ON AGENCY (NEW ORIENT EXPRESS) NEVERTHELESS PLACED ADVERTISEMENT IN "TRAVEL JOURNAL" PROMOTING EXPO 75 STOPOVER. JCAB THEREUPON ASKED NWA TO PUT AN IMMEDIATE STOP TO NEW ORIENT EXPRESS ADS AND TO REFUSE ACCEPTANCE OF TOUR GROUPS WHICH PLANNED NAHA STOPOVER ENROUTE TO MANILA.

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2. CONCERNING ADVERTISING, NWA HAS REQUESTED NEW ORIENT EXPRESS TO REFRAIN FROM PROMOTION OF MANILA SCHEDULE BY EMPHASIZING NAHA STOPOVER PRIVILEGE, AND AGENCY HAS AGREED TO DO SO IN FUTURE ALTHOUGH IT UNABLE TO WITHDRAW

ADS ALREADY IN PRINT.

3. RE JCAB INSTRUCTON NOT TO ACCEPT GROUP PASSENGERS STOPPING OVER AT NAHA, NWA SOUGHT FURTHER CLARIFICATION ON MAY 22 IN MEETING WITH TOYA, ACTING DIRECTOR OF INTERNATIONAL AFFAIRS DIVISION. ACCORDING TO NEW REP, TOYA CONCEDED CARRIER'S RIGHT TO CARRY INDIVIDUAL PASSENGERS WHO WISH TO STOP OVER IN NAHA ENROUTE TO MANILA, BUT DENIED THAT IT HAS RIGHT TO SLOICIT JAPANESE TOUR GROUPS WHO WISH TO MAKE STOPOVER. ALTHOUGH JCAB RECOGNIZED THAT NWA HAS ASKED AGENTS TO DISCONTINUE PUBLIC SOLICITATION OF EXPO 75 TRAFFIC, JCAB CONCLUDES THAT ACCEPTANCE OF ANY GROUP TRAFFIC FOR NAHA-MANILA SEGMENT IS PRIMA FACIE EVIDENCE THAT NWA IS NOT COMPLYING WITH CONDITION RELLATING TO APPROVAL OF ITS APRIL 27 SCHEDULE. ONLY WAY, ACCORDNG TO JCAB, THA NWA CAN DEMONSTRATE COMPLIANCE IS BY REFUSING TO CARRY ANY TOUR GROUP TRAFFIC WHICH INVOLVES A NAHA STOPOVER.

4. NWA RE PTOOK POSITION WITH JACAB THAT U.S. CARRIER'S OPERATING RIGHSUNDER BILATERAL AVIATION AGREEMENT ARE NOT CONIDIGIONED BY INTEENTIONS OF PASSENGERS; IF AJAPANESE BUSINESSMAN HAS RIGHT TO STOP OVER AT NAHHA, JAPANESE TOURSIST OR TOUR GROUP MUST HAVE SAME RIGHT. THUS, NWA WILL NOT REFRAIN FROM BOOKING TOUR GROUPS, NOR WILL IT DENY BOARDNG TO TOUR GROUPS ALREADY CONFIRMED, UNLESS JCAB ISSUES FORMAL WRITTEN "CEASE AND DESIST" ORDERR. NWA REP ALS INDICATED THAT SINCE ISSUE INVOLVED INTREPREATION RESOLVE MATTER ON GOVERNMENT-TO-GOVERNMENT BASIS.

5. EMBASSY CMMMENT:WE ADVISED NEW REP THAT THERE APPEARS TO BE NO PROHIBITION IN BILATERAL AGAINST PASSENGER STOPOVERS AT POINTS ON AGREED ROUTES EXCEPT AS SPECIFICIALLY PROVIDEDM IN FOOTNOTE TO JAPAN ROUTES (1) AND (2) . ALSO NOTED THA THERE MAY BE OTHER LIMITED OFFICIAL USE  
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AGREEMENTS OR UNDERSTANDINGS CONCERNING STOPOVER RIGHTTS, BUT THAT WE WOLD NEED TO SEEK DEPARTMENT'S ADVICE ON THIS POINT AS WELL AS ON QUESTION OF JCAB'S INTERPRETATION OF CABOTAGE TRAFFIC IN RELATION TO EXPO 75 STOPOVERS.

6. WOULD APPRECIATE ADVICE ON THESE QUESTIONS ASAP SO THAT REPRESENTATIONS TO GOJ, IF INDICATED, CAN BE MADE IN ADVICE OPENING OOF EXPO 75 OO JULY 29.  
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